S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5741/2007
(Hazar Khan @ Bachhi Khan & Anr. Vs. State of Rajasthan)

DATE OF ORDER : 10/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Ramesh Purohit for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.
Mr. M.S.Shekh for the first informant.

Heard learned counsel for the petitioners and Public Prosecutor for the State as also counsel appearing for the first informant. Perused the order impugned.

Learned counsel appearing for the petitioners and the first informant submit that the parties have compromised the matter and the first informant has given in writing to the police that the first informant Jawan Singh does not want to pursue the FIR any further. Learned counsel appearing for the first informant submits that if the petitioners are granted bail, the first informant has no objection as the matter has already been compromised.

Having regard to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioners u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Hazar Khan @ Bachhi Khan S/o Jarin and Sammat Khan S/o Hazar Khan @ Bachhi Khan in FIR No. 107/2007 P.S. Dhamotar, district Chittorgarh, they shall be released on bail for a period till the police concludes the

investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

rp